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EXAMINER
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ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/775,882

Applicant(s)

REZVANI ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **RESPONSE TO AMENDMENT**

1. This communication is responsive to the Request for Continued Examination (RCE) received on September 15, 2005. Claims 1, 14 and 27 have been amended. Claims 1-39 are pending.

### **The old rejection maintained**

2. The rejection is respectfully maintained as set forth in the last Office Action mailed April 15, 2005. applicants' arguments with respect to claims 1-39 have been fully considered but they are not persuasive; therefore, the old rejection is maintained.

### **Claim Rejections - 35 USC §102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-6, 14-19 and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Emens et al. (Emens)**, U.S. Patent No. **6,591,279**.

5. As to claim 1, Emens teaches a method for providing remote access to captured content, comprising:

locally capturing content for an event using a capture device (claim2, the digital image provides a visual record of the real world event);

automatically transmitting the content from the capture device to a remote computer over a communications network (col. 1, line 64 - col. 2, line 2);

automatically associating the content with a user account (col. 4, lines 27-28);

automatically publishing the content on a remote server (col. 2, lines 47-58, the content would be made available to the user via the internet) wherein the remote server comprises a database comprising locally captured content associated with user accounts and publishing the content comprises updating the database with the content (col. 2, lines 47-58, the e-mail server comprises an e-mail database for storing user's e-mail including the locally captured content and the database is updated any time a new e-mail comes in for example from the image capturing device); and

providing the content to a user access device of a user associated with the user account (col. 3, lines 1-9, the content would be available to the user at any time using the web browser.)

6. As to claim 2, Emens teaches the method defined in claim 1 wherein capturing content comprises capturing content without persistently storing the content (col. 5, lines 4-12, After the sensor is triggered the system notifies the user and publishes the image to the server without constantly storing the image to an internal database.)

7. As to claim 3, Emens teaches the method defined in claim 1 wherein:

publishing the content further comprises automatically publishing the content to a plurality of user accounts on the remote server (col. 2, lines 47-58, the content would be available to the user via the internet); and

providing the content further comprises providing the content to user access devices of users associated with the plurality of user accounts (col. 3, lines 1-9, the user content would be available to the user at any time using the web browser.)

8. As to claim 4, Emens teaches the method defined in claim 1 wherein:

the method further comprises detecting the event with a sensor; and

locally capturing content comprises automatically capturing the content in response to the detection of the event by the sensor. (col. 5, lines 15-31)

9. As to claim 5, Emens teaches the method defined in claim 4 wherein the sensor is a motion sensor, a contact sensor, a smoke sensor, a humidity sensor, a water emersion sensor, a radon sensor, a temperature sensor, an audio sensor, a carbon monoxide sensor, an infrared sensor, or a radiation sensor (col. 5, lines 26-31, the event triggered can be sound, light, or any other physical activity that can be detected by a sensor.)

10. As to claim 6, Emens teaches the method defined in claim 1 wherein the capture device is a video camera, a still camera, a microphone, or a temperature gauge (col. 5, lines 15-25, there may be video cameras or digital still cameras.)

11. As to claim 14, Emens teaches A system for providing remote access to captured content comprising:

a capture device configured to locally capture content (claim 2, the digital image provides a visual record of the real world event);

a remote computer configured to automatically associate the content with a user account and automatically publish the content to a web site (col. 4, lines 27-28 and col. 3, lines 1-9, the content would be associated with a user account and made available at any time using the web browser) wherein the web site comprises a database comprising locally captured content associated with user accounts and publishing the content comprises updating the database with the content (col. 2, lines 47-58, the e-mail server comprises an e-mail database for storing user's e-mail including the locally captured content and the database is updated any time a new e-mail comes in for example from the image capturing device);;

a monitoring module configured to automatically provide the content to the remote computer from the capture device over a communications network (col. 4, lines 39-49, proxy component 110);

the remote computer configured to automatically publish the content to the remote server; (col. 2, lines 47-58, the content would be made available to the user via the internet); and

a user access device configured to provide content of a user associated with the user account (col. 3, lines 1-9, the content would be available to the user at any time using the web browser).

12. As to claim 15, Emens teaches the system defined in claim 14 wherein the capture device captures content without persistently storing the content (col. 5, lines 4-

12, After the sensor is triggered the system notifies the user and publishes the image to the server without constantly storing the image to an internal database.)

13. As to claim 16, Emens teaches the system defined in claim 14 wherein:

the remote computer is further configured to automatically publish content to a plurality of user accounts on the remote server (col. 2, lines 47-58, the content would be available to the user via the internet); and

the user access device is further configured to provide content to users associated with the plurality of user accounts (col. 3, lines 1-9, the user content would be available to the user at any time using the web browser.)

14. As to claim 17, Emens teaches the system defined in claim 14 wherein:

the system further comprises a sensor configured to detect an event; and

the capture device is further configured to locally capture the content in response to the detection of the event by the sensor (col. 5, lines 15-31).

15. As to claim 18, Emens teaches the system defined in claim 17 wherein the sensor is a motion sensor, a contact sensor, a smoke sensor, a humidity sensor, a water emersion sensor, a radon sensor, a temperature sensor, an audio sensor, a carbon monoxide sensor, an infrared sensor, or a radiation sensor (col. 5, lines 26-31, the event triggered can be sound, light, or any other physical activity that can be detected by a sensor.)

16. As to claim 19, Emens teaches the system defined in claim 14 wherein the capture device is a video camera, a still camera, a microphone, or a temperature gauge (col. 5, lines 15-25, there may be video cameras or digital still cameras.)

17. As to claims 27-32, do not further teach or define anything above claims 1-6, therefore; they are rejected for similar reasons.

### **Claim Rejections - 35 USC §103**

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 7-13, 20-26, and 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Emens et al. (Emens)**, U.S. Patent No. **6,591,279** and further in view of **Vaithilingam et al. (Vaithilingam)**, U.S. Patent No. **6,411,724**.

20. As to claim 7, Emens teaches the method of locally capturing content for an event using a capture device; automatically transmitting the content from the capture device to a remote computer over a communications network; automatically associating the content with a user account; automatically publishing the content on a remote server; and providing the content to a user access device of a user associated with the user account (col. 1, lines 28-30).

Emens does not explicitly teach encapsulating the content with metadata.

However, Vaithilingam teaches the use of meta-descriptors (col. 3, line 44 – col. 4, line 3) in the retrieval process of multimedia information (col. 2, lines 50-52).

21. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Emens and Vaithilingam to encapsulate the content



with metadata. Metadata enable computerized searches for multimedia information to be done more quickly due to the generally smaller size of meta-descriptors, as well as more efficiently due to the elimination of less relevant information (col. 3, line 65 – col. 4, line 3.)

22. Claims 8-13 essentially contain the same limitation of encapsulating the content with metadata as in claim 7; therefore, they are rejected under the same reasons as applied above.

23. As to claim 8 Emens teaches the method defined in claim 1 wherein:

publishing the content on the web site comprises publishing the content according to the information about the content (col. 2, line 47-58, the picture and sound would be uploaded to the web for user access).

24. As to claim 9 Emens teaches the method defined in claim 8 wherein:

the information about the content includes the type of the content (col. 2, line 47-58, trigger information is sent to user and it includes the content); and

publishing the content according to the information about the content comprises publishing the content according to the type of the content (col. 2, line 47-58, the picture and sound would be uploaded to the web for user access).

25. As to claim 10 Emens teaches the method defined in claim 8 wherein the type of content includes picture, video, or text (col. 1, lines 43-45.)

26. As to claim 11 Emens teaches the method defined in claim 1 wherein:

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the capture device has an associated virtual interface (col. 2, lines 47-58, the audio sensor and the camera have a virtual interface to the remote server for monitoring);

publishing the content on the web site comprises providing the user with access to the content using the virtual interface (col. 2, line 47-58, the picture and sound would be uploaded to the web for user access).

27. As to claim 12 Emens teaches the method defined in claim 1 wherein:

automatically associating the content with a user account comprises automatically associating the content with a user account based on the user information (col. 4, lines 27-28).

28. As to claim 13 Emens teaches the method defined in claim. 1 further comprising: providing an electronic notification to the user, wherein the notification includes the information about the event (col. 2, lines 54-59.)

29. Claims 20-26 are essentially the same as claims 8-13 except that they set forth the claimed invention as an apparatus rather than as a method and are rejected for the same reasons as applied above.

30. Claims 33-39 are essentially the same as claims 8-13 except that they set forth the claimed invention as an apparatus rather than as a method and are rejected for the same reasons as applied above.

### **Response to Arguments**

31. Applicants' arguments with respect to claims 1-39 filed on July 19, 2005 have been fully considered but they are not deemed to be persuasive.

32. The applicant argues in substance that:

(A) Argument: Emens fails to show or suggest having a database including locally captured content associated with the user account, on the remote server and publishing content to the remote server by updating the database with the content.

Response: Examiner respectfully disagrees. Emens teaches a system for computer-based notification about real world events, wherein a client specifies the trigger criteria and the event notification includes a digital image of the real world events. After the occurrence of an event, a capturing device captures a digital image of the real world event is captured and transmitted to the client through the internet to their e-mail server (remote server). The e-mail server would house the transmitted message in the client's inbox (database) until the client retrieves it. The content is updated in the client's inbox anytime a new e-mail is received that contains an update of the real world event from the capturing device. Therefore, Emens meets the scope of the claimed limitation.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
February 3, 2006



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